

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-138

Judge:

Complainant:

ORDER

The complainant alleged a former superior court commissioner had failed to enforce spousal support orders.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

The commission does not have jurisdiction to review the legal sufficiency of the commissioner's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the commissioner did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Commission member Gus Aragón did not participate in the consideration of this matter.

Dated: June 29, 2016

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the commissioner on June 29, 2016.

This order may not be used as a basis for disqualification of a judge.

I understand the commission cannot reverse court orders or assign a new judge to a case.

I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct.

Signature: _____

Date: _____

INSTRUCTIONS

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

_____ has caused me unnecessary homelessness as well as unnecessary poverty by not enforcing rulings/court orders. _____ disconcert with my requests for emergency enforcement of orders has caused me to remain a victim of spousal abuse.

Beginning with temporary orders, my former spouse (Respondent) was allowed complete control of our community accounts, yet ordered to pay necessities (bills) on my behalf rather than allot me money of my own. When Respondent was non-compliant with court orders, no action was taken. Four emergency requests by me were deemed inappropriate or non-emergent.

_____ extreme lenience upon Respondent demonstrates severe prejudice - Respondent has not been compliant with any & all court orders pre & post decree. Respondent was found in Contempt of Court pre & post decree. Respondent perjured himself on numerous occasions. Respondent fled the state without notifying the court. Respondent was tracked, served & ordered to appear in court - was a "no show" - no sanctions were imposed. Rules of "Family Law Procedure were not followed by _____. There has been no Justice. Summary of events as outlined in letter to _____

I continue to be a victim of "Spousal Abuse" which began in _____ when my former spouse, _____ abandoned our marital residence and removed himself from his marital partnership and responsibilities. Over the next year and beyond, without my knowledge, _____ had drained our community accounts and moved our retirement funds and securities in to "sole" accounts deleting my name from all entitlements. I was left a small balance in one account for which I had access. We had been very fortunate to have been financially stable. I had not received a regular paycheck of my own for _____ years - since leaving my career _____ to support _____ career goals that had transferred from _____. My then spouse used his control of our assets as a "bullying" tactic to force me to beg for any & all funds necessary to pay household bills, household repairs, upkeep, etc., allowing himself the final say. His "beloved pet" was abandoned in my care with ongoing veterinarian expenses.

A _____ was filed (by me) _____

assigned to _____

Immediately following, a _____ was filed with a hearing granted. At that hearing _____ I was awarded Spousal Maintenance in the following manner, "It is Ordered by the Court that Respondent, _____ pay the mortgage on the marital residence (occupied by _____) along with reasonable/normal expenditures of the major utilities to include gas, electric, water & cable bills. The Court does not find it appropriate to award any dollar amount to Petitioner, _____ at this time."

Within _____ after receiving delinquent and/or disconnect notices, a request for _____ was declined _____ by _____ indicating that the text of my request referred to unpaid bills ???

Two weeks later _____ w/ urgency due to endangerment of foreclosure due to unpaid mortgage was found by the Court to contain inappropriate requests (?) Request was denied by the Court w/o explanation. Again, on _____ a request for an emergency hearing to enforce _____ was denied as not meeting the threshold for an emergency.

Then, after receiving notice that the Mortgage loan was in "default" with public auction scheduled _____ for the sell of property, I filed another request for an emergency hearing dated _____. A Hearing was set for _____. By this time, _____ was underway. At _____ it was established that I, _____ had entered marriage debt-free with significant contribution toward the financial status of the marriage. It was also established that all accounts (assets) taken by _____ (totaling in excess of \$ _____) were that of community property. _____ was currently "sole proprietor" of a small business that had been purchased with community property. _____ was found in Contempt of Court. A new set of Court Orders were imposed _____ now had the option of "buying out" my interest in the marital residence before the foreclosure date. This option was ignored entirely - I was rendered "homeless" effective _____ while surviving on less than \$ _____

_____ was ordered (within _____ days) to contact the administrator of our _____ for division of shares by _____. This was avoided - I eventually drafted a _____ myself which required a painful amount of research & costly subpoenas for information that should have been avoided had enforcement of Court Orders been carried out!!!

It was further ordered that _____ pay me Spousal Maintenance in the amount of \$ _____ a month for a period of _____ months beginning _____. I received less than half the allotted amount over the course of a year which led me to my next filing of: _____. At this hearing, _____ offered \$ _____ to be credited to Spousal Maintenance. He admitted to being behind on payments and agreed that regular payments totaling \$ _____ monthly would begin in _____. _____ warned him that he was being given a second chance based on his word of merit. _____ expressed gratitude for "a second chance."

_____ did not honor his word. He soon fled the state of _____. He was located in _____ residing with _____ who was well aware of Contempt Charges and Court Orders - she had attended and participated in our court proceedings. I now filed a _____ requesting that the Court find _____ in Civil Contempt of Court for willfully and repeatedly refusing to comply with any & all Court orders beginning with Temporary Orders issued _____. I reminded the Court that his deliberate failure to comply with a court order had forced me to live below poverty level and forfeit my home resulting from the Court allowing him to maintain and manage all community accounts. It was noted that _____ was in "arrears" of over _____ months for spousal support per Court Order issued _____ and continues to be non-compliant after "Petition to enforce Spousal Maintenance".

I respectfully moved the court to set appropriate sanctions pursuant to _____ Arizona Rules of Family Law Procedure. "Evidentiary Hearing" was set for _____ Order to Appear Post Judgment/Decree was lawfully served upon _____

Order to Appear contained the following language;
FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A CIVIL ARREST WARRANT, OR WHERE APPLICABLE, A CHILD SUPPORT ARREST WARRANT, FOR YOUR ARREST. IF YOU ARE ARRESTED, YOU MAY BE HELD IN JAIL FOR NO MORE THAN 24 HOURS BEFORE A HEARING IS HELD.

Hearing on a Motion for Contempt:
 Honorable _____ granted Judgment for unpaid Spousal Maintenance due to non-appearance of Respondent, _____ This is not the answer nor justice when it comes to someone who "evades" court orders. This is a retraction backward to a previous hearing for Enforcement of Spousal Maintenance. A person such as _____ found in Contempt of Court both pre and post Judgment decree; Who has perjured himself numerous times (on record); Flees the state without updating the court with his change of address should not be allowed additional "chances" to prove his merit.
 Please also note: _____ is "self employed" living off our retirement savings.
 A Civil Arrest Warrant should be issued upon:

After arrest (within 24hrs.), a hearing should be held to establish reenforcement orders with sanctions!
 Your attention to this matter is greatly appreciated!
 Sincerely,